
PDF COLUMNS 1, 3, 4, 5, 6, & 7

PDF PAGE 1, COLUMN 1

**LEO FRANK'S LAWYERS PREPARE FOR
SUPREME COURT FIGHT;**

**"I AM NOT CONVINCED OF FRANK'S
INNOCENCE OR GUILT,"**

**DECLARES JUDGE ROAN IN REFUSING
DEFENDANT NEW TRIAL**

PDF PAGE 1, COLUMN 3

**GRAND JURY
URGES**

**GREATER
SPEED IN**

TRYING JAIL CASES

Judge Pendleton, in
Reply, De-

clares Fourth Judge
Will

Make Delay of More
Than

One Week
Unnecessary

"I believe the day has come in Fulton county when no man will be forced to wait in jail more than a week before he has a trial," declared Judge John T. Pendleton, of the superior court, when discharging the grand jury Friday."

The remarks of the court were occasioned by a recommendation of the grand jury that more adequate machinery should be provided for disposing of the county's criminal business. The jury called attention to the fact that on its recent visit to the Tower it found 253 prisoners incarcerated there, 223 of whom were held on grand jury indictments. Many of them complained to the members of the grand jury, during its tour of the Tower, that they had been in prison for months. unable to make bond or to get a trial.

"Up to the present," said Judge Pendleton, "there has been no adequate provision in this county for the transaction of criminal business. We are now, however, to have a superior court judge who will preside exclusively at criminal trials.

NO REASON FOR DELAY.

"With two criminal courts. one for misdemeanors and one for felonies, constantly in operation, or at least opening court every Monday, no man who wants a trial should be held in jail more than a week without one."

A calendar composed almost exclusively of jail cases has been made out for the criminal division of the superior court for next week. The court will be presided over by Judge Ben H. Hill, who will resign from the court of appeals to accept the fourth judgeship in the Atlanta circuit. Judge Hill is quoted as saying he is going to clear the jail before any of the bond cases are tried.

The grand jury presentments, which were read to the court Friday by Secretary W. W. Orr, contained recommendations for many county officials and county institutions, but more than the usual mention is made of the work of the children's court. Judge W. W. Tindall, and his attaches. The grand jury, commenting on the work of the institution, praised the court especially for the way it went out to help even the families of the children haled before it.

Several instances were cited where Atlanta churches had become interested in poverty-stricken families through the court.

Of the 1,900 cases before the children's court in the past year, 876 of them have been disposed of out of court.

RECOMMEND NEW OFFICERS.

The jury in connection with the juve-

(Continued on Page 2, Col. 2.)

PDF PAGE 2, COLUMN 2

**GRAND JURY
URGES
GREATER
SPEED IN
TRYING JAIL
CASES**

(Continued From Page 1.)

nile work, recommended that an officer be appointed to look after the welfare of the boys, who are paroled and released from the industrial farm or reformatory of the County. It urged further that

their manual training work there be extended in order that the boys might be better fitted, on their release, to make an adequate wage.

Commenting on these two sections of the report, Judge Pendleton said:

“The wisest thing a government can do is to take the criminal element in its youth and try to reform it.”

“The children’s court and the reformatory are doing a great work along this line, especially where the child has never had a chance. I know of many instances where drunken parents have practically forced their children to go on the streets to beg and even to steal. The children’s court has taken hold in this case.”

“There are other cases where father and mother, and I am thankful these cases are many, have turned their children over to the court as incorrigible and asked that they be sent to the reformatory solely because they want to be spared the expense of caring for the child. In these instances, it is best for the child that the state take it, but I believe it would be wise to amend the law so the father could be forced to help maintain the child. I have known of several cases, where the father was making as much as \$100 per month, yet did not want to bear the expense of maintaining his offspring.”

The grand jury called attention to the deplorable condition of the Cheshire bridge, the Roswell bridge, the Powers bridge and the Garret bridge, urging that they be repaired, as at present their condition is dangerous. The county commissioners, said Judge Pendleton, should give the recommendation their prompt attention and comply with it if sufficient money is available.

ASK PROBATION OFFICER.

The grand jury recommended the appointment of an adult probation officer as provided by the act of the last legislature. This recommendation is indorsed by Solicitor General H. M.

Dorsey and other court officials, and the matter is being urged by the Georgia Prison association.

The grand jury called attention to the fact that there are 1,300 names on the Fulton county pension roll, and urged that a special office be appointed to investigate each case to prevent fraud.

It was pointed out by the jury that Georgia pays Confederate veterans a larger pension than any other state, and as a result, in many instances men have come from other states to be enrolled here, and their pensions are then collected through friends who hold their power of attorney. Many such cases have been discovered and the pensions stopped, but there may be others.

Judge Pendleton indorsed the recommendation, saying the increase in the number of pensions is one of the county's great unsolved mysteries.

"I am afraid that 100 years after the war we will have as many names on the pension rolls as there were ten years after it," said he.

"No abuse is more reprehensible than that in the pension system; the taking of an improper advantage of the charity and patriotism of the state."

The grand jury commented on the county school system, saying the present situation, with some of the schools overcrowded and others not nearly filled, is being remedied by changes in the school districts.

***Leo Frank Is
Unruffled***

***As Relative
Tells Him***

***New Trial Is
Refused***

Convicted Man, With
Wife by

His Side, Receives
News of

Judge Roan's Action Without Sign of Emotion

Leo M. Frank received calmly the news that a new trial had been denied him, according to Leonard Haas, one of the attorneys of the man now in the tower under sentence of death.

The news was conveyed to the prisoner by M. Selig, his brother-in-law, Mr. Selig went straight from the judge's chambers, where the decision was announced, to the county jail.

With the prisoner was his wife.

Mr. Haas brought from the cell of the condemned man the only information that came from there.

He was questioned by a Journal reporter as he was leaving the jail with Mr. Selig and Rabbi Marx, all three having just come from Frank's cell.

Mr. Haas said he could not remember what Frank said, but that the prisoner was very calm, and seemed to remain just as composed as he had been all along. "Nothing seems to disturb him," said Mr. Haas. "He has the attitude of a man confident justice will be done to him ultimately."

Mr. Selig refused to talk, Rabbi Marx likewise refused to say anything.

A note sent up to the prisoner requesting an interview or a written statement, came back with the verbal message that he would not give either.

**DORSEY WILL
GET**

**\$50 FOR HIS
LABOR**

**IN LEO
FRANK CASE**

**Solicitor Has Worked
Relent-**

lessly on Case for Months Without Financial Remuner- ation

Solicitor General Hugh M. Dorsey, who has been wrapped up in the various phases of the Phagan case almost since the little factory girl was found murdered last April, now is in a fair way to make his first penny out of the matter.

When he files with the supreme court the prosecutor's brief opposing the bill of exceptions which the defense will plead there, the state of Georgia will pay him 850 for that work. This amount will be the first pay the solicitor has received for his long and hard work in the case, and it gives fair promise of being last.

Perhaps in the dim and distant future the costs of the case, charged in with the insolvent costs along with the accumulations of years, may be offset by the court's revenue, but that is a remote possibility. Enough costs are charged against the court and they are increasing in such proportion, that it seems as if the court never will catch up with them.

Since the beginning of the coroner's inquest, a few days after little Mary Phagan was found dead, the solicitor has been occupied almost constantly with the murder. For months leading up to the trial of Leo M. Frank, he was busy with preparations for the state's battle there. For a month he was in court, morning and

afternoon, with the trial. Then followed the preparation of the state's fight against the motion for a new trial. The solicitor spent a week, morning and afternoon, opposing that motion at its hearing before Judge Roan.

Routine matters of the solicitor's office have been handled almost entirely by Assistant E. A. Stephens since the Phagan case began.

PDF PAGE 1, COLUMN 5

CONVICTED MAN BEGINS FIGHT FOR HIS LIFE IN COURT OF LAST RESORT

"I Have Heard All of the Evidence in This Case,
and Taking

It Altogether I Am Not Thoroughly Convinced
Either as to

the Innocence or Guilt of the Defendant,”
Says the Trial

Judge Rendering His Decision Friday Morning

ROSSER ASKS JUDGE NOT TO RESIGN UNTIL

HE HAS SIGNED THE BILL OF EXCEPTIONS

Case Will Be Carried to Supreme Court, and If
That Body

Upholds Judge Roan, Convicted Man Must
Pay Penalty

With His Life – Rosser Asks That Judge’s
Remarks That

He Is Not Convinced of Frank’s Guilt Be
Incorporated in

Record

No new trial will be granted to Leo M. Frank, convicted as the
murderer of Mary Phagan in the National Pencil factory in Atlanta
on April 26, unless the state supreme court sees fit to order it.

Judge L. S. Roan, the trial judge and still presiding judge over
the Fulton superior court denied the defense’s motion for a new
trial Friday morning at 10:10 o’clock.

A bill of exceptions will be drawn immediately by the defense, and will be signed by Judge Roan before he leaves the superior court bench for that of the state court of appeals. This bill of exceptions to Judge Roan's ruling will carry the case to the supreme court of Georgia.

It can go no higher than later. If the supreme court affirmed Judge Roan's decision, Leo M. Frank will pay the death penalty unless executive clemency is extended to him.

Here is the formal order by Judge Roan upon the documents in the case. It was drawn by Solicitor Dorsey after the judge had announced his decision informally.

"After considering the above and foregoing motion, and affidavits submitted by the defense and the state, the motion for a new trial is hereby overruled and denied. This October 31, 1913. (Signed) L. S. Roan, Judge Superior Court Fulton county, presiding."

NOT CONVINCED GUILT

In making his informal announcement Judge Roan state: "I have heard all the evidence in this case, and taking it altogether I am not thoroughly convinced either as to the innocence or guilt of the defendant. The jury having passed upon this case and been convinced by the evidence of his guilt, however, I do not feel disposed to overturn its verdict. I consider it my duty to overrule this motion."

The moment Judge Roan finished this announcement, Attorney Luther Z. Rosser arose and said, "I hope your honor will not resign from this bench until you have a chance to certify to the bill of exceptions upon which we will carry the case to the supreme court."

"How long will that be?" asked the judge.

Mr. Rosser answered that the defense would try to draw its bill some time Friday.

The defense then insisted that the remarks by the judge, that he had heard all the evidence and yet was not convinced either as to the guilt or innocence of the defendant, be included in his formal order. The state objected, and Judge Roan declined to grant the request, it being agreed, however, that he would certify to the remarks if they were set down with the bill of exceptions.

GIVEN HIM TROUBLE.

Judge Roan prefaced his announcement with the statement that in his entire judicial career no case ever had given him so much trouble or concern as the Frank case. He had worried over it and thought over it considerably, he said; and while there were a great many matters in the case that were not clear to him, he felt that he could not decide otherwise than he was about to do, he said.

For about twenty minutes before he announced his decision, the judge was occupied with signing his name to all the documents attached to the motion for a new trial. The signing of these followed upon an argument among the attorneys which had lasted since shortly after 9 o'clock upon disputed points in the motion.

The decision was announced in chambers of the court, in the Thrower building. The room was crowded by lawyers and court attaches directly interested in the proceeding. A brother-in-law of Frank, Mr. Selig, represented the convicted man's family.

LONG FIGHT NOW.

Judge Roan stated that he thought it probably would be Monday or Tuesday before the bill of exceptions would be ready for his signature. Inasmuch as he had expected to resign from the superior court on Saturday and start with the court of appeals on Monday, this means perhaps a postponement of two or three days in his contemplated change.

The defense lawyers had little to say about the decision, save that they would fight even more vigorously than ever with

their bill of exceptions to the supreme court. They maintained that the court had erred on the points alleged in the motion. Attorney Arnold, who had arrived in court late, said that work on the bill of exceptions would be started at once and that the defense hoped to have it ready by Saturday morning.

There remain 102 of the original 115 grounds set down in the motion for a new trial, the others having been eliminated by agreement of both sides during the new trial hearing. Several were found to be duplicates due to clerical errors.

In the ordinary course of events, it will be several months perhaps before the supreme court decides the case. The bill of exceptions will not be returnable before the March term, 1914, the return day for the October term having passed some time ago.

DORSEY EXPECTED IT.

Solicitor Dorsey's remark upon the decision was that he had believed all along the judge would deny the motion. He was satisfied, quite naturally, with the decision, he said. He added with a smile that the time to have little to say is when the judge is with you; therefore he had no further comment to make.

PDF PAGE 1, COLUMN 7

***Says He Stole
Cole***

For Starving Family

Recorder Broyles listened to a pitiful plea Friday morning when I. L. Lanier, a laborer, was arraigned, charged with stealing a lump of coal from the Atlantic Ice and Coal company.

Lanier, who lives on Marietta street, stated that he earned only \$1.25 a day and was unable to live on this. A wife and three children, he stated, are in a near-starved condition and it became necessary to obtain coal. Only one lump was taken. Lanier was just leaving the coal yard when Call Officers Jones and Watson, who had been summoned, appeared and placed him under arrest.

Judge Broyles referred this case to S. J. Coogler, probation officer.

PDF PAGE 3, COLUMN 3

**JUDGE HILL TO
LEAVE**

**APPEAL BENCH
SATURDAY**

Will Be Named Immediately as Judge of New Fulton Superior Court

Judge B. H. Hill, chief judge of the state court of appeals, will tender his resignation to Governor John M. Slaton Saturday morning and will be commissioned at once as judge of the new criminal division of the Fulton superior court.

Judge Hill will sit in his new court Monday morning, talesmen having been summoned already for jury service and the calendar having been drawn. None but jail cases will be handled until the jail docket is cleared.

One of Judge Hill's first official acts will be to confer with Judges Pendleton, Ellis and Bell, his colleagues on the Fulton bench, and with them nominate to the governor for appointment the judges of the new municipal court that will supplant justice of the peace courts in Atlanta on January 1. The names most prominently mentioned for the five places are Eugene Thomas for chief judge and Justice of the Peace J. B. Ridley, O. T. Hathcock, L. F. McClelland and Luther Z. Rosser, Jr.

Judge Hill's resignation and assumption of office will leave a vacancy in the court of appeals until perhaps Tuesday, when Judge L. S. Roan will resign from the bench of the Stone Mountain circuit and be commissioned to the court of appeals.

Solicitor General C. S. Reid will succeed Judge Roan, and George M. Napier, of Decatur, will succeed Solicitor Reid.

Judge R. B. Russell, under the seniority of service rule, will become chief judge of the court of appeals upon its reorganization.

By Saturday morning practically every case on the calendar of the court of appeals will have been disposed of. A batch of about fifty decisions were handed down by that court Friday; making the total number decided during the past twelve months 844.

PDF PAGE 3, COLUMN 7

PINKERTON MEN SAY THEY KNOW ALLEGED "DIPS"

In the persons of H. E. Barnard and W. M. Rayner, two of the three men arrested as alleged pickpockets in the Winecoff hotel, the police and Pinkerton men assert they have well known and desperate crooks, Barnard, though only twenty-four years old, has a criminal record, it is said. J. H. Kelly, local Pinkerton agent, together with government detectives, went to police headquarters Friday morning to see the prisoners.

It was stated that Barnard's real name is Harry Cramer, a well known pickpocket, and that Rayner's record as a cracksman

has extended over the country. He is reported to have served a term at Leavenworth, Kan., under the name of Horce Jackson, G. L. Peterson, the third man, has not been definitely connected with any crimes yet. Chief Lanford refused to confirm or deny any of the rumors about the men on their records. They were each taken to the Bertillon room and photographed, and measured. These descriptions and pictures will be sent to all the large cities.

Each of the men denies absolutely any wrongdoing. They have retained the services of an attorney.

The man arrested as an accomplice by Plain Clothes Officers Arrowood and Whelchel has not been identified. He stoutly maintains that he does not know the others.
